

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/4/07 (10)

DIAMOND DRUMGOOLE, by her parent and natural  
guardian, ANDREA DRUMGOOLE,

Plaintiff,

-against-

THE CITY OF NEW YORK; COMMISSIONER  
RAYMOND W. KELLY; and P.O. FOLELY, the individual  
defendants sued individually and in their official capacities,

Defendants.

**STIPULATION AND ORDER  
TO AMEND THE  
COMPLAINT**

07 CV 7703 (SHS) (MHD)

ECF Case

DENISE L. COTE  
UNITED STATES DISTRICT JUDGE

WHEREAS, plaintiff commenced this action by filing a complaint in this  
matter; and

WHEREAS, plaintiff, pursuant to Fed. R. Civ. P. 15(a), seeks leave to  
amend the complaint; and

WHEREAS, upon reviewing the proposed first amended complaint,  
defendants consent to the amendments set forth in the proposed the first amended  
complaint; and

WHEREAS, by consenting to allow plaintiff to file and serve the first  
amended complaint, defendants do not waive any of their affirmative defenses, including  
but not limited to, the statute of limitations defense;

WHEREAS, the parties have agreed that the defendants shall answer the  
first amended complaint within thirty days of being served with the first amended  
complaint;


IT IS HEREBY STIPLUATED AND AGREED, that the complaint shall  
be amended as set forth in the proposed first amended complaint.

DATED: New York, New York  
\_\_\_\_\_, 2007

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ROBYN N. PULLIO (RP-7777)

SO ORDERED: 12/3/07

  
HON. SIDNEY H. STEIN  
U.S.D.J.